

31 MAY 1978

MEMORANDUM FOR: Acting Chief, Policy and Plans Group
FROM:
Deputy Director of Security
Personnel Security and Investigations
SUBJECT: Procedures to Implement EO 12036
Attorney General Fundamentals

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1. Reference is made to your request for a review of the attached draft procedures implementing sections 2-202 through 2-205 of Executive Order 12036 and which also defines terms used throughout the Order.

2. The procedures, requiring Attorney General approval, under which electronic surveillance (2-202), use of television cameras and other monitoring (2-203), physical searches (2-204), and mail surveillance (2-205) are conducted are ones with which we can live. It is felt, however, that the definition of "agent of a foreign power" is overly restrictive. As it reads, information coming to our attention that an employee was passing unclassified Agency information to the benefit of a foreign power--without evidence that the person was taking direction from the foreign power--would appear to bar the issuance of a judicial warrant for any of the procedures (electronic surveillance, physical search).

3. Some problems may arise later with the proposed definition of "dissemination" depending on how implementing procedures for section 2-208 are written. This section requires the consent of the individual or conformance with yet to be established procedures approved by the Attorney General under section 2-201 before Agency security information can be released to another government agency or "non-intelligence" component of the Agency. When the time comes, careful attention will have to be paid to ensure that we have a legal basis for passing information to other internal offices and government agencies through either written or implied consent.

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Attachment

